

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed August 4, 2005. Claims 1, 2 and 5 – 9, 13 - 17 and 20 - 23 remain pending. In particular, Applicants have amended claims 9 and 17. Reconsideration and allowance of the application and pending claims are respectfully requested.

Rejections under 35 U.S.C. § 103

The Office Action indicates that claims 1, 2, 5, 7 – 10, 13, 15 – 17, 20, 22 and 23 are rejected under 35 U.S.C. § 103 as allegedly being unpatentable over *Kinjo* in view of *Ishihama*. Additionally, the Office Action indicates that claims 6, 13 and 21 are rejected under 35 U.S.C. § 103 as allegedly being unpatentable over *Kinjo* in view of *Ishihama*, and further in view of *Weldy*. Applicants respectfully traverse the rejections.

In this regard, *Kinjo* generally relates to an image processing method. In particular, *Kinjo* discloses:

The photoprinter 50 as shown includes a driver 52 for reading out of the recording medium R the image data such as the image data for the taken image to be composited with the reference image and the image data for the taken image to be referenced for image compositing as well as the compositing-editing information such as the first and second identification information and designated area information or processing information and after-compositing light transmittance information concerning the reference image; a frame memory 54 for storing the image data read out by the driver 52; an information acquiring section 56 which acquires and stores the compositing-editing information read out by the driver 52; an image processing section 58 for reading out the image data stored in the frame memory 54 and subjecting it to various processing steps required for image outputting; an image composition section 60 which assembles the image data for the taken image to be composited with the reference image with the image data for the reference image incorporated into the image data for the taken image to be referenced for image compositing, based on the compositing-editing information from the information acquiring section 56; a quoted image acquiring section 62 for acquiring the quoted image data which is used instead of the image data for the taken image to be referenced for image compositing; and an image outputting section 64 which outputs a

reproduced image or a reproduced image data obtained from the composite image data prepared in the image compositing section 60. (*Kinjo* at [0067]). (Emphasis added).

Based on the representative teaching of *Kinjo* above, it is clear that *Kinjo* stores captured images to memory of the digital camera and retains those stored digital images for subsequent processing by a photoprinter, not by the digital camera. Thus, *Kinjo* cannot disclose a “digital camera comprising: means for merging at least two images of a scene to form a merged image,” as indicated in the Office Action.

With respect to *Ishimura*, that reference relates to a digital video camera with an improved zoom system. In particular, *Ishimura* discloses a:

. . .video camera including a zoom-up lens assembly magnifying an image, a charge coupled device picking up the magnified image, a recording medium for storage of the magnified image and a viewfinder having a display panel and a liquid crystal device for determining a partial area of the display panel on which the magnified image to be recorded is displayed. The liquid crystal device is controlled by a microcomputer so as to form an opaque frame-like line surrounding the partial area of the display panel.

(*Ishimura* at Abstract).

In this regard, *Ishimura* does not disclose a “digital camera comprising: means for merging at least two images of a scene to form a merged image” either. As in this case, by individually attacking the asserted references to show that neither teaches or reasonably suggests at least one feature recited in a claim, Applicants have shown the impropriety of the pending rejection. Therefore, Applicants respectfully request that the rejection of claim1 be removed for at least this reason.

Additionally, *Ishimura* discloses:

At the same time, when the preset magnification rate "N" is more than the maximum magnification rate "Z1", the microcomputer 14 controls the zoom-up lens assembly 28 of the viewfinder 26 so as to magnify the image of the scene at the maximum magnification rate "Z2" and activates the liquid crystal device 32 so as to form an opaque frame-like line thereon. Furthermore, the liquid crystal device 32

operates to provide an inside transparent zone and an outside translucent zone formed inside and outside, respectively, of the opaque frame-like line. The opaque frame-like line and both zones of the liquid crystal device 32 are projected on the display panel 30. The opaque frame-like line projected on the display panel 30 acts as a rectangular frame 34 surrounding a portion 36 of the image projected through the inside transparent zone of the liquid crystal device 32 on the display panel 30, as seen in FIG. 3. *The portion 36 of the image surrounded by the frame 34 corresponds to the magnified image to be recorded on the recording medium 24.* Accordingly, the rectangular frame 34 on the display panel 30 serves for dividing a whole area of the display panel 30 into a clear image area 36 thereinside on which the magnified portion of the image to be recorded is displayed, and a dull image area 38 thereoutside on which the remaining portion of the image to be excluded from the recorded image is displayed. *The image on the clear image area 36 is actually enlarged at a magnification rate equal to the magnification rate "EZ" of the electronic zoom-up device 20 when it is recorded on the recording medium 24.*

(Ishimura at column 4, lines 8 – 35). (Emphasis added).

Based on the representative teaching of Ishimura above, it is clear that Ishimura also does not teach or otherwise disclose “means for storing an uncropped portion of the merged image such that, responsive to the at least two images being captured, the means for storing stores the at least two images and *provides the at least two images for merging*,” since any image that is cropped by Ishimura is cropped and deleted before it is stored. (Emphasis added).

In this regard, claim 1 recites:

1. A digital camera, comprising:
means for *merging at least two images* of a scene *to form a merged image*, the at least two images including different views of the scene;
means for cropping *the merged image*; and
means for storing an uncropped portion of *the merged image* such that, responsive to the at least two images being captured, *the means for storing stores the at least two images and provides the at least two images for merging*;
wherein, subsequent to cropping of the merged image, the uncropped portion is stored by the means for storing and a corresponding cropped portion is deleted therefrom.
(Emphasis Added).

Applicants respectfully assert that the cited references, either individually or in combination, are legally deficient for the purpose of rendering claim 1 obvious. Specifically, Applicants respectfully assert that the combination does not teach or reasonably suggest at least the features/limitation emphasized above in claim 1. Notably, neither reference discloses a “digital camera comprising: means for merging at least two images of a scene to form a merged image.” Therefore, Applicants respectfully request that the rejection of claim 1 be removed, and that this claim be placed in condition for allowance.

Additionally, the Office Action indicates, and Applicants respectfully agree, that Kinjo does not teach the recited “means for storing” or “means for cropping.” However, as indicated above, Applicants respectfully assert that Ishimura does not teach or otherwise suggest these features either. Therefore, Applicants respectfully request that the rejection of claim 1 be removed, and that this claim be placed in condition for allowance.

Furthermore, it appears that due consideration may not have been afforded Applicants’ use of antecedent basis, which clearly indicates that the “means for storing” stores the at least two images and provides “the at least two images for merging.” (Emphasis added). Additionally, the recited “means for merging” merges the at least two images “to form a merged image,” and that “subsequent to cropping of the merged image, the uncropped portion is stored by the means for storing and a corresponding cropped portion is deleted” from the means for storing. Since these relationships are not taught or reasonably suggested by either or a combination of the references, Applicants respectfully request that the rejection of claim 1 be removed for at least this additional reason, and that this claim be placed in condition for allowance.

Since claims 2, 5, 7 and 8 are dependent claims that incorporate the limitations of claim 1, and are not otherwise rejected by the Action, Applicants respectfully assert that these claims also are in condition for allowance. Additionally, these claims recite other limitations that can serve as an independent basis for patentability.

With respect to claim 9, Applicants have amended that claim to recite:

9. A method of controlling the operation of a digital camera, comprising:
storing, in the digital camera, at least two captured images representing different image views of a scene;
merging, in the digital camera, the at least two captured images to form a merged image;
storing, in the digital camera, an uncropped portion of the merged image; and
deleting a cropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer stored in the digital camera.

(Emphasis added).

Applicants respectfully assert that the cited references, either individually or in combination, are legally deficient for the purpose of rendering claim 9 obvious.

Specifically, Applicants respectfully assert that the combination does not teach or reasonably suggest at least the features/limitation emphasized above in claim 9.

Notably, neither reference discloses “merging, in the digital camera, the at least two captured images to form a merged image.” Therefore, Applicants respectfully request that the rejection of claim 9 be removed, and that this claim be placed in condition for allowance.

Additionally, the Office Action indicates, and Applicants respectfully agree, that *Kinjo* does not teach storing an uncropped portion of the merged image and deleting a cropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer stored in the digital camera.

However, as indicated above, Applicants respectfully assert that *Ishimura* does not

teach or otherwise suggest these features either. Therefore, Applicants respectfully request that the rejection of claim 9 be removed, and that this claim be placed in condition for allowance.

Since claims 14 - 16 are dependent claims that incorporate the limitations of claim 9, and are not otherwise rejected by the Action, Applicants respectfully assert that these claims also are in condition for allowance. Additionally, these claims recite other limitations that can serve as an independent basis for patentability.

With respect to claim 17, Applicants have amended that claim to recite:

17. A computer readable medium for controlling the operation of a digital camera, comprising:

logic that merges at least two captured images corresponding to two different image views of a scene to form a merged image in the digital camera;

logic that stores an uncropped portion of the merged image in the digital camera; and

logic that deletes a cropped portion of the merged image prior to storing the uncropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer stored in the digital camera.

(Emphasis added).

Applicants respectfully assert that the cited references, either individually or in combination, are legally deficient for the purpose of rendering claim 17 obvious. Specifically, Applicants respectfully assert that the combination does not teach or reasonably suggest at least the features/limitation emphasized above in claim 17. Notably, neither reference discloses a “logic that merges at least two captured images corresponding to two different image views of a scene to form a merged image in the digital camera.” Therefore, Applicants respectfully request that the rejection of claim 17 be removed, and that this claim be placed in condition for allowance.

Additionally, the Office Action indicates, and Applicants respectfully agree, that *Kinjo* does not teach “logic that deletes a cropped portion of the merged image prior to storing the uncropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer stored in the digital camera.” However, as indicated above, Applicants respectfully assert that *Ishimura* does not teach or otherwise suggest this features either. Therefore, Applicants respectfully request that the rejection of claim 17 be removed, and that this claim be placed in condition for allowance.

Since claims 20, 22 and 23 are dependent claims that incorporate the limitations of claim 17, and are not otherwise rejected by the Action, Applicants respectfully assert that these claims also are in condition for allowance. Additionally, these claims recite other limitations that can serve as an independent basis for patentability.

With respect to claim 6, 13 and 21, Applicants respectfully assert that these claims are dependent claims that incorporate the limitations of claims 1, 9 and 17, respectively. Since *Weldy* does not teach or reasonably suggest the features that are identified above as lacking in the combination of *Kinjo* and *Ishihama*, Applicants respectfully assert that these claims also are in condition for allowance.

Cited Art Made of Record

The art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



**M. Paul Qualey, Jr., Reg. No. 43, 024
Attorney for Applicant
(770) 933-9500**

IP Administration
Legal Department, M/S 35
Hewlett-Packard Company
P.O. Box 272400
Fort Collins, CO 80527-2400

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on 11/4/05.

Stephanie Liley
Signature